

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

: Attn: Office of Initial
Patent Examination

Richard C. Walker

Serial No. 10/654,992

: Group Art Unit: 3742

Filed: September 5, 2003

For: ELECTRICALLY CONTROLLED AUTOMATED DEVICES TO OPERATE, SLOW, GUIDE, STOP AND SECURE, EQUIPMENT AND MACHINERY FOR THE PURPOSE OF CONTROLLING THEIR UNSAFE, UNATTENDED, UNAUTHORIZED, UNLAWFUL HAZARDOUS AND/OR LEGAL USE, WITH REMOTE CONTROL AND ACCOUNTABILITY WORLDWIDE

**SUPPLEMENTAL REQUEST FOR CORRECTED FILING RECEIPT
AND PRIORITY CLAIM**

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are in receipt of a Response to Request for Corrected Filing receipt dated July 30, 2004.

This Response indicates that the priority claim stated in our Request for Corrected Filing Receipt filed June 25, 2004, is not acceptable. It is stated that the priority claim cannot be made because it is an application which was filed over a year prior to the filing date. The priority application in question is part of a chain of priority all of which has been accepted except for this particular application. All of the other priority applications listed have also been filed more than one year ago. The chain of priority with regard to this application is as follows:

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This application	Divisional	09/738,901	December 18, 2000
09/738,901	Continuation	PCT/US99/13668	June 18, 1999
PCT/US99/13668	Non-Provisional	60/089,783	June 18, 1998
PCT/US99/13668	Non-Provisional	60/122,108	February 26, 1999
PCT/US99/13668	Non-Provisional	60/139,759	June 15, 1999
PCT/US99/13668	Non-Provisional	60/149,029	June 17, 1999
PCT/US99/13668	Non-Provisional	PCT/US99/00919	January 15, 1999

Serial No. 10/654,992


According to 37 CFR §1.78(a) any non-provisional application may claim the benefit of prior filed U.S. patent applications or a chain of applications directly relating to the priority claim. This is the case in the instant matter.

Additionally, attached is a copy of the Notification Relating to Priority Claim issued by the Patent Cooperation Treaty for PCT application number PCT/US99/13668. This notification states that U.S. Provisional Patent Application 60/149,029, filed June 17, 1999 has been added into the priority claim. PCT application number PCT/US99/13668 has already been noted and accepted as priority for this application and U.S. Provisional Patent Application 60/149,029 is in it's chain of priority.

Since the error was made by the U.S. Patent and Trademark Office, it is believed that no fee is required with regard to this Request; however, in the event that a fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 08-0219. A duplicate copy of this letter is attached.

Respectfully submitted,

WILMER CUTLER PICKERING HALE AND DORR LLP



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P A T E N T COOPERATION TREAT Y

PCT

NOTIFICATION RELATING TO PRIORITY CLAIM

(PCT Rules 26bis.1 and 26bis.2 and
Administrative Instructions, Sections 402 and 409)

From the INTERNATIONAL BUREAU

To:

DONNER, Irah, H.
Pepper Hamilton LLP
600 Fourteenth Street, N.W.
Washington, DC 20005-2004
ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year) 24 September 1999 (24.09.99)	
Applicant's or agent's file reference 112756.302	IMPORTANT NOTIFICATION
International application No. PCT/US99/13668	International filing date (day/month/year) 18 June 1999 (18.06.99)
Applicant KLINE & WALKER, LLC et al	

The applicant is hereby **notified** of the following in respect of the priority claim(s) made in the international application.

1. ☒ **Correction of priority claim.** In accordance with the applicant's notice received on: **14 September 1999 (14.09.99)**, the following priority claim has been corrected to read as follows:

US 17 June 1999 (17.06.99) 60/149,029

☐ even though the indication of the number of the earlier application is missing.

☐ even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:
2. ☐ **Addition of priority claim.** In accordance with the applicant's notice received on: , the following priority claim has been added:

☐ even though the indication of the number of the earlier application is missing.

☐ even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:
3. ☐ As a **result of the correction and/or addition** of (a) priority claim(s) under items 1 and/or 2, the (earliest) priority date is:
4. ☐ **Priority claim considered not to have been made.**

☐ The applicant failed to respond to the Invitation under Rule 26bis.2(a) (Form PCT/IB/316) within the prescribed time limit.

☐ The applicant's notice was received after the expiration of the prescribed time limit under Rule 26bis.1(a).

☐ The applicant's notice failed to correct the priority claim so as to comply with the requirements of Rule 4.10.

The applicant may, before the technical preparations for international publication have been completed and subject to the payment of a fee, request the International Bureau to publish, together with the international application, information concerning the priority claim. See Rule 26bis.2(c) and the PCT Applicant's Guide, Volume I, Annex B2(IB).
5. ☐ In case where **multiple priorities** have been claimed, the above item(s) relate to the following priority claim(s):
6. A copy of this notification has been sent to the receiving Office and
 - ☒ to the International Searching Authority (where the international search report has not yet been issued).
 - ☒ the designated Offices (which have already been notified of the receipt of the record copy).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer F. Gateau Telephone No. (41-22) 338.83.38
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